

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

**BESSEMER SYSTEM FEDERAL CREDIT)
UNION,)**

Plaintiff,)

vs.)

**FISERV SOLUTIONS, LLC, FISERV)
SOLUTIONS, INC., and FISERV, INC.,)**

Defendants.)

Case No. 2:19-cv-00624-RJC

DEFENDANTS’ MOTION FOR RULE 11 SANCTIONS

Defendants Fiserv Solutions, LLC (f/k/a Fiserv Solutions, Inc.) and Fiserv, Inc. (together, “Defendants”), by and through their attorneys, respectfully move this Court pursuant to Fed. R. Civ. P. 11 for an order dismissing Bessemer’s fraud claim with respect to the letter attached as Exhibit 19 to the Second Amended Complaint (Dkt. 48).

Additionally (and alternatively should the Court grant Defendants’ Motion for Partial Judgment on the Pleadings), Defendants move for an order awarding Defendants monetary sanctions in the form of the reasonable attorneys’ fees incurred to investigate and respond to the fraud claim, respond to Bessemer’s disqualification demands, and prepare and present this motion.¹

¹ Defendants are contemporaneously filing Defendants’ Motion for Partial Judgment on the Pleadings. That motion seeks dismissal of the fraud claim under Rule 12(c). This motion seeks dismissal, in the alternative, pursuant to Rule 11. The same core of facts and law support both motions. Rule 11(c)(2), however, provides: “A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b).” In compliance with that rule, Defendants have filed their Rule 12(c) and Rule 11 motions separately. The most efficient presentation of the grounds for both motions, however, is a consolidated memorandum of law that describes their overlapping factual and legal bases. To that end and so as not to burden the Court or Bessemer with redundant submissions, Defendants are filing a Consolidated Memorandum of Law in Support of Defendants’ Motions for Partial Judgment on the Pleadings and for Rule 11 Sanctions.

The grounds for this motion are fully set forth in the accompanying Consolidated Memorandum of Law in Support of Defendants' Motions for Partial Judgment on the Pleadings and for Rule 11 Sanctions and the Declaration of Andrew J. Wronski in Support of Defendants' Motions for Partial Judgment on the Pleadings and for Rule 11 Sanctions.

In accordance with Rule 11(c)(2), Defendants served Bessemer with this motion and the supporting memorandum of law and declaration on November 9, 2020. More than twenty-one days have passed since such service on November 9, 2020, and Bessemer has not withdrawn its fraud claim.

Dated: April 29, 2021

/s/ Andrew J. Wronski

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Counsel for Fiserv Solutions, LLC and Fiserv, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2021, I caused a copy of the foregoing Motion to be filed electronically and available for downloading and viewing from the Court's ECF system. Notice of this filing will be sent by email to all parties by operation of the Court's ECF system.

/s/ *Andrew J. Wronski*

Andrew J. Wronski

Counsel for Fiserv Solutions, LLC and Fiserv, Inc.